

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kenneth Dale Jefferson, Jr.,

Civil No. 08-1373 (RHK/SRN)

Petitioner,

ORDER

v.

Joann Fabian,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated May 22, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, IT IS ORDERED:

1. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
2. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED**;
3. Petitioner's application to proceed in forma pauperis (Doc. No. 2) is **DENIED**;

and

3. This action is **DISMISSED WITH PREJUDICE**.

Dated: June 16, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge